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Attorneys for Defendants,
Michael Fitzgerald and Teri O'Connor

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

JOHN CURLEY,

Plaintiff,

vs.

MONMOUTH COUNTY BOARD OF CHOSEN
FREEHOLDERS; SERENA DIMASO, in
her individual and official
capacity as Monmouth County
Chosen Freeholder; THOMAS
ARNONE, in his individual and
official capacity as Monmouth
County Chosen Freeholder; GARY
RICH, in his individual and
official capacity as Monmouth
County Chosen Freeholder;
LILLIAN BURY, in her individual
and official capacity as
Monmouth County Chosen
Freeholder; MICHAEL FITZGERALD,
ESQ., in his individual and
official capacity as County
Counsel; and TERI O'CONNOR, in
her individual and official
capacity as County
Administrator,

Defendants.

Civil Action No. 3:17-12300-BRM-
TJB

Civil Action

NOTICE OF MOTION TO DISMISS
PLAINTIFF'S SECOND AMENDED AND
SUPPLEMENTAL VERIFIED COMPLAINT
PURSUANT TO FEDERAL RULE OF
CIVIL PROCEDURE 12(b)(6)

RETURN DATE: OCTOBER 15, 2018

ORAL ARGUMENT REQUESTED

TO: Angelo J. Genova, Esq.
Genova Burns, LLC
494 Broad Street

Newark, New Jersey 07102

Jonathan Testa, Esq.
O'Donnell McCord, PC
1725 Highway 35, Suite C
Wall, New Jersey 07719

COUNSEL:

Defendants Michael Fitzgerald, Esq. and Teri O'Connor, in their individual and official capacities as County Counsel and County Administrator, respectively, through the undersigned, move for an Order dismissing the Second Amended Complaint and Supplemental Verified Complaint for failure to state a claim on which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Pursuant to Local Civil Rule 78.1, plaintiff requests oral argument.

The grounds for this Motion are set forth in the accompanying Brief and Certification of Michael F. O'Connor, Esq.

Respectfully submitted,

McMORAN, O'CONNOR BRAMLEY & BURNS
Attorneys for defendants,
Michael Fitzgerald, Esq. and
Teri O'Connor

By:


Michael F. O'Connor

Dated: September 13, 2018

CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2018, I served a true and correct copy of the Notice of Motion to Dismiss the Second Amended Complaint and Supplemental Verified Complaint for Failure to State a Claim on Which Relief Can Be Granted, the Brief in support thereof and the Certification of Michael F. O'Connor and the proposed form of Order, by ECF upon:

Angelo J. Genova, Esq.
Genova Burns, LLC
494 Broad Street
Newark, New Jersey 07102
Attorneys for plaintiff, John Curley

Jonathan Testa, Esq.
O'Donnell McCord, PC
1725 Highway 35, Suite C
Wall, New Jersey 07719
Attorneys for defendants,
Monmouth County Board of
Chosen Freeholders, et als.


Michael F. O'Connor

Dated: September 13, 2018